THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8531 of 2007

Dated:24.04.2007

Between:

Gulam Mohinuddin.

…Petitioner

and

The Revenue Divisional Officer and another.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8531 of 2007

ORDER:

The petitioner claims to be the owner of the land admeasuring Acs.21.23 guntas comprised in Survey Nos.226 to 231, 190, 212, 266, 480 and 581 situated at Kattangur Village of Nalgonda District. He claims that the property was settled in favour of his mother, Rabia Bee, by one Gulam Mohammed, towards her Mehr. Be that as it is, he statedly filed an application under Section 4 of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act'), before the Revenue Divisional Officer, Nalgonda, for necessary changes under Section 5 of the Act, in vain. He also sent remainder on 12.02.2007, and as there is no response, he filed the present Writ Petition seeking a direction to the respondents to consider his representation and pass orders.

As rightly pointed out by the learned Assistant Government Pleader for Revenue (General-T), the first respondent is not competent authority nor recording authority to record the rights acquired by succession, sale, mortgage etc. Such power is conferred under Section 5(2) of the Act on the recording authority, namely, the Mandal Revenue Officer (now designated as Tahasildar). If so advised, the petitioner may approach the second respondent and file appropriate application. This Court also observes that as and when proper application is made, the second respondent shall conduct enquiry as contemplated under Section 5(3)
and (4) of the Act before issuing orders under Section 5(2) of the Act and also keeping in view the Andhra Pradesh Rights in Land and Pattadar Pass Books Rules, 1989.

The Writ Petition, with the above observations, is accordingly

dismissed. No costs.

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(V.V.S.RAO, J)

24.04.2007
vs